The Mysore Gazette.

Vol. 42.] PUBLISHED BY AUTHORITY. [No. 1.

BANGALORE, THURSDAY, JANUARY 3, 1907.

PART III.

Legislative Measures and Rules thereunder.

No. R. 5854—L. R. 173-06-2, dated 10th December 1906.

In exercise of the powers conferred by the Mysore Land Revenue Code, 1888, the Government of His Highness the Maharaja are pleased to make the following amendments in the rules under the said Code, issued with Notification No. 264—R. 122, dated the 10th July 1901 :—

1. Clause (*b*) of Rule 47 shall be omitted, clause (*c*) being changed to clause (*b*) ; and in the last mentioned clause, the words " of land of the nature described in the last clause or " shall be omitted.

2. In Rule 48 for the words and letters " clauses (*b*) and (*c*), " the word and letter " clause (*b*) " shall be substituted.

3. The following Rule shall be inserted between Rules 49 and 50 :—

" 49A. The occupancy of land near a Railway Station, and within half a mile thereof or such other distance from it as may from time to time be fixed by Government, may be given out for agricultural purposes at the discretion of Deputy Commissioners, subject to the condition that the land shall be liable to resumption without payment of compensation when it is required for public purposes ; but such land shall only be given out for building purposes with the previous sanction of Government and subject to their orders in each case."

No. J. 1598—Cts. 75-06-2, dated 11th December 1906.

In supersession of Notification No. J. 418—C. 35-4, dated the 7th August 1905, His Highness the Maharaja of Mysore is pleased to issue the following orders for the guidance of all Criminal Courts and Police Officers in the Mysore State :—

(1) The Courts of the State shall not, except where specially authorized by Government to do so, exercise jurisdiction over a Native Officer or soldier of the Indian Army who, while not on leave, commits any kind of offence within the State. If for any special reason it is considered desirable in any such case that the offender should be tried by a State Court, the case must be reported to Government for orders. Further if in any such case the circumstances are not such as to allow of immediate arrest by the Indian Military Authorities, the offender may be arrested by State Authority if the law of Mysore permits of such arrest, but he should be handed over forthwith to the nearest Indian Military Authority.

(2) The Courts of the State are not debarred from exercising jurisdiction in the case of a Native Officer or soldier of the Indian Army who, while on leave within the State,

(*a*) commits within the State an offence of any kind against the law of the State, or,

(*b*) is arrested for an offence committed by him in the State on some previous occasion, whether he was or was not on leave on such occasion ; provided that, when the offence with which such Officer or soldier is charged is one which was committed by him while he was previously on duty, and for which he has already been tried and either acquitted or punished by the British Authorities, the Courts of the State shall not again try him for the same offence.

No. J. 1706—Regis. 8-06-4, dated 20th December 1906.

Under Section 78 of the Mysore Registration Regulation, I of 1903, the Government of His Highness the Maharaja of Mysore are pleased to direct that, from and after 1st January 1907, in lieu of the scale of fees referred to in clause 17 of Notification No. J. 2483—Regis. 12-4, dated the 28th February 1905, the following scale be adopted :—

"XVII. On all documents registered if containing more than 300 words, an additional fee at the rate of four annas per 100 words or fraction of 100 words shall be charged for the number above 300."

No. J. 1709—Regis. 11-06-6, dated 20th December 1906.

Under Section 78 of the Mysore Registration Regulation, I of 1903, the Government of His Highness the Maharaja of Mysore are pleased to direct the substitution, with effect from the 1st January 1907, of the following scale of fees for the scale referred to in clause 8 of the Table of Fees published in Notification No. 131, dated 12th August 1878 :—

"VIII. Search for or inspection of a single entry or document :—

(1) For the first year in the books of which search is made for each entry or document—one rupee.

(2) For every other year in the books of which such search is continued for each entry or document—four annas."

No. 5618—Med. 43-06-4, dated 28th December 1906.

The accompanying Draft of rules made under the Mysore Vaccination Regulation No. 1 of 1906, is published for general information:—

2. The Draft rules will be taken up for consideration at the end of two and a half months from the date of their publication in the Gazette; and all suggestions and criticisms received within that period will be duly considered.

By Order,
K. S. CHANDRASEKHARA AIYAR,
Secy. to Govt., Gen. & Rev. Depts.

RULES UNDER THE MYSORE VACCINATION REGULATION OF 1906.

In exercise of the powers conferred by section 2 (1) of the Mysore Vaccination Regulation of 1906, the Government of His Highness the Maharaja of Mysore are pleased to prescribe the following rules to regulate the vaccination of persons in local areas where vaccination has been declared to be compulsory during the period for which such declaration has effect therein:—

1. In these rules unless there is something repugnant in the subject or context,

"Parent" (1) Parent means the father or mother of a legitimate child, and the mother of an illegitimate child.

"Guardian" (2) Guardian means any person to whom the care, nature and custody of any child falls by law or by natural right or recognized usage, or who has accepted or assumed the care, nature or custody of any child or to whom the care or custody of any child has been entrusted by any authority lawfully authorized in that behalf.

"Vaccinator" (3) Vaccinator means any Medical man, or other duly qualified person authorized by the Sanitary Commissioner with the Government to vaccinate persons against small-pox and includes Superintendents of Vaccination.

"Medical man" (4) Medical man means a person holding a University or College degree or diploma in medicine or a certificate from a recognized Medical school, of or above the grade of Hospital Assistant employed in the local area where vaccination is made compulsory.

"Child" (5) Child means a boy or girl over six months and under twelve years of age.

"Adult" (6) Adult means any person of and above the age of twelve and under sixty.

"Unprotected person" (7) Unprotected person is a person, child or adult, who has not been protected against small-pox by having had that disease or by having been successfully vaccinated or who has not been certified under Rule 11 of these rules, to be insusceptible to vaccination.

"Vaccination Depôt" (8) Vaccination Depôt means a place or building where public or gratuitous vaccination is performed by a Vaccinator.

"Vaccination Circle" (9) Vaccination Circle means one of the parts into which a local area where vaccination has been made compulsory has been divided for purposes of vaccination and in which one or more Vaccine Depôts have been opened.

2. Every local area in which vaccination has been declared compulsory shall be a vaccination circle or shall in the manner hereinafter provided, be divided into number of such circles.

"Vaccination Depôts," "Vaccination," "Superintendents of Vaccination" 3. Each circle shall have one or more Vaccination Depôts where vaccination shall be done gratuitously at certain fixed hours. One or more female and male vaccinators shall be appointed in the manner hereinafter provided, for each circle;

and one or more Superintendents of Vaccination shall be appointed, in the manner hereinafter provided, for each local area. Such Superintendents shall always be duly qualified Medical men, or the Medical Officers of or above the grade of the Hospital Assistant employed in the local area, where vaccination is made compulsory.

"Private vaccinators."

4. The appointment of private vaccinators shall vest with the Sanitary Commissioner with the Government of Mysore who will after satisfying himself that a candidate is competent, give him a written license authorizing him to perform vaccination in a vaccination circle. This license may be suspended or cancelled at the discretion of the said Sanitary Commissioner.

Unprotected person to be vaccinated.

5. When any unprotected person, adult, or child not below the age of six months, has resided for a period of one month in any local area where vaccination has been declared compulsory by Government he or she if adult shall go to a vaccine depôt, or if a child, be taken there by its parent or guardian to be vaccinated or, the person requiring vaccination or, if a child, its parent or guardian may procure his or its vaccination by a vaccinator privately. Provided that unless there is immediate danger of small-pox infection, the unprotected members of a household may with the permission of the Superintendent of the circle in which they reside get themselves vaccinated in turns, individually or in batches as the said Superintendent may decide so that there may be as little interference as possible with the daily pursuits of life of the members of the household on account of their vaccination. But in no instance shall the interval of vaccination allowed on this account between one individual or batch of individuals and another be more than four weeks.

Vaccinator to vaccinate persons or deliver certificates of postponement.

6. Such vaccinators shall vaccinate the person and deliver to him or her, or if a child, to its parent or guardian, a memorandum stating the date on which the vaccination has been performed and the date on and the hour at which the vaccinated person or child is to be inspected in order to ascertain the result of the operation; or shall, he find such person in a state of health unfit for vaccination, deliver to the person, or if a child, to its parent or guardian, a certificate under his hand to the effect that the person is in a state unfit for vaccination, and the period during which the person is likely to be so unfit.

Inspection after vaccination.

7. Every person vaccinated under the above section, or if a child its parent or guardian, shall on the date and hour of inspection stated in the memorandum go, or take the child or cause it to be taken, to a vaccinator for inspection or get it inspected at his own house by a vaccinator; and, such vaccinator shall then append to the memorandum a certificate stating that the person or child has been inspected and the result of such inspection.

NOTE.—In the case of adult females observing the "gosha" or "purda" system, both vaccination and inspection shall be performed by a female vaccinator if the parties so desire.

Procedure when vaccination is successful.

8. When it is ascertained at the time of inspecting a person or child under rule 7 above, that the vaccination has been successful, a certificate shall be delivered by the vaccinator to the person, or if a child, to its parent or guardian to that effect, and such person or child shall be deemed to be protected.

Procedure when vaccination is unsuccessful.

9. When it is ascertained as aforesaid, that the vaccination has been unsuccessful, the person, or if a child, its parent or guardian shall, if the vaccinator so direct, cause the person or child if in a satisfactory state of health to be forthwith again vaccinated and subsequently inspected in manner hereinbefore provided. If the person be not in a fit state of health, the vaccinator shall deliver a certificate as under rule 6, stating the period during which the person is likely to be so unfit. Provided that if it is a case of revaccination that has been unsuccessful, the person shall not be compelled to be vaccinated again for the next seven years. But the individual should be strictly advised to have the operation performed at least once

more say within a fortnight, as vaccination sometimes fails through having been imperfectly performed as well as through the individual being immune.

Procedure when person is unfit for vaccination.

10. A certificate granted under rules 6 and 9 above showing the unfitness of a person or child for vaccination shall remain in force for the period stated therein and on the termination of that period, the person shall go, or if a child, its parent or guardian shall take it or cause it to be taken to a vaccinator to be vaccinated, or procure the vaccination at his house by a vaccinator.

Renewal of postponement certificates.

Provided that if the person or child is still found to be in a state unfit for vaccination the certificate granted under rules 6 and 9 referred to above shall be renewed.

Certificates of insusceptibility of successful vaccination.

11. If the Superintendent of Vaccination is of opinion that a person or child unsuccessfully vaccinated on three occasions is insusceptible of successful vaccination, he shall deliver to the person or if it be a child, to the parent or guardian of such child, a certificate under his hand to that effect, and the person or child shall thenceforth not be required to be or caused to be vaccinated.

Certificates of vaccination by private vaccinators to be forwarded to the Superintendent.

12. Any person who procures a vaccination of himself or any other member of his household or child under his guardianship by a vaccinator other than those appointed as public vaccinators in the circle, in which he lives, shall forward a certificate of such Vaccination and its result signed by the vaccinator to the Superintendent of Vaccination of the said circle within fifteen days from the date of such vaccination.

Certificates from a qualified Medical man and private vaccinators to be accepted.

13. The Superintendent of Vaccination shall accept certificates from a qualified Medical man or private vaccinator as to (1) successful vaccination (2) unfitness of a person for vaccination and (3) the insusceptibility for vaccination.

Proviso.

Provided that the Superintendent may cancel any certificate given under these rules if it be proved to his satisfaction that such certificate has been given improperly or obtained on behalf of any unprotected person or child, and thereupon such certificate shall no longer be valid. In case of any doubt as to these certificates the Superintendent shall personally examine the person vaccinated or certified to be unfit or insusceptible, provided always that in case the person is a gosha or purda female the inspection shall be done by a female vaccinator as provided under rule 7.

What lymph to be used.

14. Vaccination of persons should be performed with calf lymph, fresh or preserved, whichever is available.

Scientific care of lymph to be used.

15. All lymph used for vaccination shall be cultivated, collected, preserved, distributed and used with such scientific care as may from time to time be prescribed by the Sanitary Commissioner with the Government, and certified to be pure by an officer pronounced competent for that purpose by the said Sanitary Commissioner.

Use of other lymph.

16. Any person desirous of getting himself, members of his household or children under his guardianship, vaccinated with any lymph other than those described in para 14 above, may procure the same at his own cost, and get himself, his household or children under his guardianship vaccinated with it, provided that the lymph so obtained is certified to be pure by an authority accepted as competent by the Sanitary Commissioner.

Carelessness in vaccination and vaccination by unauthorized persons considered offences.

17. A vaccinator shall take all due precautions to perform the operation carefully and aseptically as far as possible; and any vaccinator who by carelessness or neglect or by use of lymph which has not been certified as required in rules 15 and 16, injures the health of a person vaccinated, and any person who not being duly authorized to vaccinate according to these rules vaccinates persons with any lymph within the area in which these rules have been made applicable, shall be considered to have committed an offence under the Mysore Vaccination Regulation of 1906.

18. No fee shall be charged by any vaccinator except by a private vaccinator to the person or if a child to its parent or guardian for any of the duties imposed under rules on such vaccinator. (1) Provided that it shall be lawful for a vaccinator to accept a fee for vaccinating a person at his request or his household or if a child at the request of its parent or guardian, elsewhere than in the depôt in which such vaccinator is working. (2) Provided also that in the case of females observing "gosha" or "purda" system, no fee shall be charged for vaccinating them in their houses within the circle for which such vaccinator is appointed.

No fee to be charged except by a private vaccinator.

Proviso.

19. The Superintendent of Vaccination, in addition to other duties imposed on him by or under these rules, shall ascertain whether all unprotected persons above the age of six months within the area under his superintendence have been vaccinated; and if he has reason to believe that any person is bound by the provisions hereinbefore contained to procure vaccination of himself or of child under his care and guardianship or to present himself or it for inspection and has omitted so to do, he shall personally go to the house of such person any time between 6 A.M. and 6 P.M., and there make enquiry and shall, if the fact is proved, forthwith deliver to such person or cause to be affixed to his house a notice requiring that the person or child under his care or guardianship to be vaccinated or (as the case may be) to present or to be presented for inspection at a time and place to be specified in such notice.

Duties of the Superintendent of Vaccination.

Notice to person or parent or guardian neglecting to comply with these rules.

20. When in accordance with rule 18, the Superintendent of Vaccination goes to a house in his circle to make the necessary enquiries, it shall be the duty of the head of the household or in his or her absence, the eldest adult member present, to present, if so required, all or any member of his or her household before the Superintendent of Vaccination for his inspection and to state correctly their name, age, period of residence and other particulars that may be required by him.

Heads of household to present members of the household for inspection and to furnish correct information.

Provided that in the case of females of and above 12 years of age especially those observing the "gosha" or "purda" system the inspection and enquiries shall, if so required by the parties, be made by any competent female on behalf of the Superintendent.

Proviso.

21. If the notice referred to in rule 19 has been served and is not complied with, the Superintendent of Vaccination shall report the matter to any Magistrate having local jurisdiction, and the Magistrate receiving such report shall summon the person and demand his explanation and shall, if such explanation is not satisfactory make an order in writing directing such person to comply with the notice before a date specified in the order.

Order by Magistrate when notice is not complied with.

22. If on such date the order has not been obeyed, the Magistrate shall summon the person before him and unless just cause or excuse is shown, shall deal with the disobedience as an offence punishable under section 2 (3) of the Mysore Vaccination Regulation of 1906.

Procedure when order not obeyed.

23. When the above rules are made applicable to any local area where vaccination has been made compulsory by Government, the local authorities of such area may from time to time make bye-laws consistent with these rules for the proper enforcement of the Vaccination Regulation within the limits to which it applies. Such bye-laws shall be passed in the manner in which under the law for the time being in force, the local authorities make bye-laws, and shall, when confirmed by Government and published in the Government Gazette, have the force of law;

Power to make bye-laws.

Provided that the Government may at any time rescind or modify any such bye-laws.

24. The byelaws to be made for any local area under rule 24 above may among other matters provide for—

What bye-laws under rule 24 may provide for.

(*a*) The division of such local area into convenient circles for the performance of vaccination.

(*b*) The appointment of one or more places in each circle as public vaccination depôts and the posting of some distinguishing marks in a conspicuous place near each depôt.

(*c*) The special arrangements to be made with reference to the vaccination of grown up girls and adult females, especially those observing "gosha" or "purda" system.

(*d*) The number of male and female public vaccinators required for each circle.

(*e*) The time of attendance of public vaccinators at the vaccination depots.

(*f*) Their residence within the limits of the vaccination circles.

(*g*) The distinguishing mark or badge to be worn by them while on duty.

(*h*) The amount of fee chargeable by private vaccinators and the rate of fee chargeable by public vaccinators vaccinating at places outside the vaccination depôts or circle.

(*i*) The facilities to be afforded to the people for procuring the vaccination of their children and purda females at their own houses.

(*j*) The preparation and keeping of registers showing the names of persons in the local area, showing whether they are protected or unprotected; the names of children born in such area on or after the introduction of compulsory vaccination; the names of unprotected persons or children that have come or been brought into the area at any time after vaccination has been declared compulsory, and who have resided there for a month; the result of each vaccination or its postponement and the delivery of certificates, if any.

(*k*) The assistance to be given by the Municipality in the preparation of these registers and in other matters.

(*l*) The preparation of vaccination returns and reports.

25. (1) Any person who in contravention of these rules (*a*) neglects without reasonable excuse to get himself or child under his care or guardianship vaccinated,

Punishment of offences.

or after vaccination, to be inspected on a date and time to be prescribed by the vaccinator; (*b*) neglects to forward a certificate of vaccination and its result under rule 12; (*c*) refuses to give information or wilfully gives false information when asked under rule 19 or neglects to comply with notice served under the same rule; (*d*) violates any of the bye-laws made and confirmed under rule 23;

(2) any vaccinator who refuses to vaccinate on payment when his services are requisitioned or neglects to grant the certificates required to be granted in accordance with these rules, or recovers any unauthorized fee or remuneration for vaccination or granting a certificate,

shall, on conviction before a Magistrate, be punished with fine which may extend up to Rs. 20.

(3) (*a*) Any person not authorized under rules 4 and 17 who vaccinates a person within the area in which these rules have come into force;

(*b*) and any authorized vaccinator who neglects or refuses to take due precautions while operating, or uses lymph not certified as pure by competent authority as required in rules 15 and 17 *and thereby injures the health of any person* vaccinated;

(*c*) any person who disobeys a Magistrate's order under rule 21,

shall on conv iction before a Magistrate, be liable to a fine which may extend up to Rs. 50.

26. Any person who after conviction under rule 25 continues for one week without valid cause his refusal to get himself or child under his guardianship vaccinated, shall again be liable to a fine not exceeding Rs. 20.